

Tom Horne
Superintendent

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ARIZONA DEPARTMENT OF EDUCATION

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FOR IMMEDIATE RELEASE

SUPERINTENDENT TOM HORNE VINDICATED ON BILINGUAL GUIDELINES: 45 MONITORS TO POLICE BILINGUAL

PHOENIX (Tuesday, July 22, 2003) -- School Superintendent Tom Horne's guidelines regarding bilingual education were essentially vindicated in an opinion issued yesterday by the Attorney General's office.

Horne issued guidelines last February designed to end abuses of waivers for bilingual programs, so that all students not proficient in English would be in English immersion programs. Senator Pete Rios (D-Hayden) and House Minority Leader, John Loredó (D-Phoenix), issued a request to the Attorney General's office, asking that the guidelines be declared to be in excess of the superintendent's powers. Attorney General Terry Goddard declined to do so, ruling that Horne was within his powers under applicable statutes, with minor modifications.

The statute provides for three waivers. On waivers two and three, the ruling was that the guidelines were consistent with statutory authority. With respect to waiver one, students cannot qualify for waivers unless they have "good English language skills."

The setting of scores to determine "good English language skills" was held to be within the Superintendent's "monitoring" powers. The Attorney General's opinion specifies that "the minimum test scores for a (B)(1) waiver, although an appropriate subject for monitoring guidelines [and therefore within the powers of the superintendent], must be supported by facts that establish that the scores are the average for students at the appropriate grade level, as required by statute." Horne indicated today that he has data from the publisher of the most commonly used test, satisfying this requirement.

The approval of tests is for the Board of Education. Horne indicated the Board has done that. "In the absence of any approved tests, there would be no way to establish good English language skills, and no waivers would be available at all," Horne said. "However, the State Board of Education had in fact adopted all four available tests, and I set out cutoff points for those scores within the requirements now set forth in the Attorney General's opinion. This opinion is a total vindication of my guidelines," Horne stated.

Horne also announced a system to enforce the voter-approved initiative to require that English immersion replace bilingual.

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“We are now proceeding to cross train 45 monitors to make sure that the schools follow the guidelines, eliminate abuses of waivers, and provide English immersion to students not yet proficient in English. That will give those students the opportunity to excel academically as individuals, once they are proficient in English,” Horne added.

Monitors currently employed by the Education Department to monitor schools for Title I and Special Education compliance will be cross trained to monitor for compliance with English immersion requirements.

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